



HISTORIC LANDMARKS COMMISSION

ACTION MINUTES

April 4, 2018

Regular Session

6:30 p.m.

Council Chambers

First Floor, City Hall Wing
200 East Santa Clara Street
San José, CA 95113

Commission Members

Edward Saum, Chair

Joshua Marcotte, Vice Chair

Harriett Arnold

Melissa Daniels

Eric Hirst

Anthony Raynsford

Steve Polcyn

Rosalynn Hughey, Director
Department of Planning, Building & Code Enforcement

Note

To request an accommodation for City-sponsored meetings or events or an alternative format for printed materials, please call Jennifer Provedor at 408-535-3505 or 408-294-9337 (TTY) as soon as possible, but at least three business days before any meeting or event. If you requested such an accommodation, please identify yourself to the technician seated at the staff table. If you did not call in advance and do now need assistance, please see the technician.

NOTICE TO THE PUBLIC

If you want to address the Commission, **fill out a speaker card (located at the technician's station), and give the completed card to the technician. Please include the agenda item number for reference.**

The procedure for public hearings is as follows:

- After the staff report, *applicants may make a five-minute presentation.*
- Anyone wishing to speak in favor of the proposal should prepare to come forward. After the proponents speak, anyone wishing to speak in opposition should prepare to come forward. *Each speaker will have two minutes.*
- Commissioners may ask questions of the speakers. These questions will not reduce the speaker's time allowance.
- The Commission will then close the public hearing.
- *The Historic Landmarks Commission will take action on the item.*

The procedure for referrals is as follows:

- Anyone wishing to speak on a referral should prepare to come forward. *Each speaker will have two minutes.*
- Commissioners may ask questions of the speakers. These questions will not reduce the speaker's time allowance.
- *The Historic Landmarks Commission will comment on the referral item.*

If a Commissioner would like a topic to be addressed under one of the Good and Welfare items, please contact Planning staff in advance of the Commission meeting.

An agenda and a copy of all staff reports have been placed on the table for your convenience. All public records relating to an open session item on this agenda, which are not exempt from disclosure pursuant to the California Public Records Act, that are distributed to a majority of the legislative body will be available for public inspection at the Planning, Building and Code Enforcement at San José City Hall, 200 E. Santa Clara Street, 3rd Floor Tower, San José, CA 95113 at the same time that the public records are distributed or made available to the legislative body.

AGENDA
ORDER OF BUSINESS

ROLL CALL

PRESENT: Commissioners Marcotte, Arnold, Hirst, and Raynsford

ABSENT: Commissioners Saum, Daniels, and Polcyn

1. DEFERRALS

Any item scheduled for hearing this evening for which deferral is being requested will be taken out of order to be heard first on the matter of deferral. If you want to change any of the deferral dates recommended or speak to the question of deferring these or any other items, you should say so at this time.

No Items

2. CONSENT CALENDAR

The consent calendar items are considered to be routine and will be adopted by one motion. There will be no separate discussion of these items unless a request is made by a member of the Historic Landmarks Commission, staff or the public to have an item removed from the consent calendar and considered separately. If anyone in the audience wishes to speak on one of these items, please make your request at this time.

No Items

3. PUBLIC HEARINGS

- a. **H17-050.** Site Development Permit to allow demolition of a 27,703-square-foot commercial building (Candidate City Landmark) and development of a 24-story building with up to 253 residential dwelling units and approximately 4,800 square feet of ground-floor commercial space on an approximately 0.61-gross-acre site located on the northeast corner of Park Avenue and Almaden Boulevard (170 Park Center Plaza).

PROJECT MANAGER, CASSANDRA VAN DER ZWEEP

Recommendation: Review and provide recommendations for information to be included in the historic report analysis of the project.

Cassandra Van Der Zweep presented the staff report.

Susan Walsh clarified that the historic report for this project was still under preparation. The Department of Parks and Recreation (DPR) Form for the building was included in the Commissioners' packets, and an email was sent to the Commissioners with the following DPR corrections:

- **The construction date is 1971**

- **The original occupant of the building was the Bank of California; Sumitomo Bank occupied the building in 1979.**

Edmund Rivera, representing the applicant, presented the project to the Commission.

Public Speakers:

- 1. Nathan LeBlanc representing the San José Downtown Association, spoke in favor of the project.**
- 2. John Pastier, a member of the public, stated that he had spoken to Cesar Pelli, the architect of the existing building. He said that Pelli had shared with him that the building was designed over a weekend. He also stated that in his opinion as an architectural critic and an author of Cesar Pelli's work, this building does not represent the architect's style during any part of his career.**
- 3. Brian Grayson, representing Preservation Action Council of San José (PAC SJ), stated that the applicant should go above and beyond the usual consideration because this building is a candidate City Landmark structure and demolition of the building would be a big loss to the City. He suggested that the applicant be required to analyze the possibility of adaptive re-use of the building and also relocation of the building. He also recommended that the following mitigations be required at minimum:**
 - **Substantial monetary compensation for historic preservation in the City**
 - **Comprehensive laser scan of the exterior and interior to preserve details for future generations and**
 - **Research of meaningful alternatives such as adaptive reuse**

The Commission discussed the project and had the following observations:

- **The applicant should come up with a way to incorporate some of the building in the design. There should also be a display in the lobby (possibly a model of the building) so in the future people can view the past and the past is not lost**
- **Even though the building may not reflect Cesar Pelli's acknowledged style, this building is described in a 2007 book as an "outstanding example of modernist architecture with a striking entrance."**
- **The building is three years from being eligible for the National Register of Historic Resources.**
- **Demolition should not be the only choice. There should be a more extensive investigation by the architect into other alternatives as to how this building can be incorporated into the new development.**
- **The expense of demolition will be considerable so why not incorporate some of the existing building into the project.**
- **More of Pelli's design of the existing building should be incorporated into the new building.**
- **This building is a unique example of Cesar Pelli's style and should be commemorated in the design of the new building in some form. The existing building should be celebrated.**
- **The proposed building is beautiful, and the concept is great, but that should not overshadow the preservation of the existing building in some form.**
- **The architect and applicant should do a full investigation into how the building can be incorporated into the existing design or relocated.**

The Commission decided that additional investigation must be done before demolition can be considered, and the historic report should include analysis and feasibility of incorporating the building into the new development.

A motion to accept the Commission’s decision was made and seconded. The motion passed (4-0-3).

- b. **HPA05-001-01.** Historic Preservation Permit Amendment to the Bank of Italy Building (City Landmark Structure in the San Jose Downtown Historic District, a National Register of Historic Places District) to allow exterior modifications including window replacement, roof-mounted solar panels, exterior doors, and overall rehabilitation and repairs on a 0.40-gross-acre site located on the southeast corner of East Santa Clara Street and South First Street (12 South First Street).

PROJECT MANAGER, RHONDA BUSS

Recommendation: Recommend that the Planning Director approve the Historic Preservation Permit Amendment.

Rhonda Buss presented the staff report.

Kevin Bates, representing the applicant, made a presentation to the Commission.

Public Speakers: None.

The Commission was impressed with the report, and made the following observations:

- **Impressed with the work that has be done to preserve the building and liked the way the building will use new technology**
- **Applicant has done their due diligence and responded to the comments from the Commission**
- **The project is a good example of historic preservation**
- **Preserving and stabilizing the building to make it more environmentally sound is a sophisticated approach and**
- **Concerned about the tinting of the windows, but it is a vast improvement over the window air conditioners.**

The Commission voted to recommend that the Planning Director approve the Historic Preservation Permit Amendment. The motion passed (4-0-3, Saum, Daniels, and Polcyn Absent).

4. REFERRALS FROM CITY COUNCIL, BOARDS, COMMISSIONS, OR OTHER AGENCIES

No Items

5. OPEN FORUM

Members of the public are invited to speak on any item that does not appear on today's Agenda and that is within the subject matter jurisdiction of the Commission. The Commission cannot engage in any substantive discussion or take any formal action in response to the public comment. The Commission can only ask questions or respond to statements to the extent necessary to determine whether to: (1) refer the matter to staff for follow-up; (2) request staff to report back on a matter at a subsequent meeting; or (3) direct staff to place the item on a future agenda. Each member of the public may fill out a speaker's card and has up to two minutes to address the Commission.

Brian Grayson, PAC SJ: Reported back to the Commission that San José State University has given their verbal assurance to PAC SJ that the Scheller House would not be demolished, but would be relocated to another location on campus.

6. GOOD AND WELFARE

a. Report from Secretary, Planning Commission, and City Council

1. Past Agenda Items: No items.
2. Future Potential Agenda Items: Garden City Tower at 618 South First Street (File No. SP18-001) and Hotel Clariana (File No. HP17-007).
3. Summary of communications received by the Historic Landmarks Commission: None.

Susan Walsh reported that Franklin Maggi of Archives and Architecture had indicated that updating the Greater Gardner Context Survey was taking longer than expected and would be completed in approximately a month. Once the report is updated, it will be brought back to the Commission so they may nominate the Gardner area as a second Conservation Area to forward their recommendation to the City Council. The two conservation areas may be reviewed at public hearings together.

b. Report from Committees

Design Review Subcommittee: Meets the 3rd Wednesday of the month as necessary.

The Design Review Subcommittee did not meet in March.

c. Approval of Action Minutes

Recommendation: Approval of Action Minutes for the Historic Landmarks Commission Meeting of February 7, 2018.

Correction: Section 6.a.1. second sentence is corrected to: **“He has contacted the Successor Agency who owns the Dancing Pig Sign, but has received no response with regard to funding or relocation.”**

It was moved and seconded to accept the minutes as amended with the correction. The motion passed (4-0-3, Saum, Daniels, and Polcyn Absent)

d. Status of Circulating Environmental Documents:

Notice of Preparation (NOP) circulating for preparation of a Supplemental Environmental Impact Report (EIR) for Cityview Plaza project File No. H17-050 (Sumitomo Bank Building) <http://www.sanjoseca.gov/DocumentCenter/View/74912> ; and Notice of Preparation (NOP) circulating for preparation of an EIR for the Cambrian Park Plaza Project, File No PDC17-040 <http://www.sanjoseca.gov/index.aspx?NID=5961>

ADJOURNMENT

CITY OF SAN JOSÉ CODE OF CONDUCT FOR PUBLIC MEETINGS IN THE COUNCIL CHAMBERS AND COMMITTEE ROOMS

The Code of Conduct is intended to promote open meetings that welcome debate of public policy issues being discussed by the City Council, Redevelopment Agency Board, their Committees, and City Boards and Commissions in an atmosphere of fairness, courtesy, and respect for differing points of view.

1. Public Meeting Decorum:

- a) Persons in the audience will refrain from behavior which will disrupt the public meeting. This will include making loud noises, clapping, shouting, booing, hissing or engaging in any other activity in a manner that disturbs, disrupts or impedes the orderly conduct of the meeting.
- b) Persons in the audience will refrain from creating, provoking or participating in any type of disturbance involving unwelcome physical contact.
- c) Persons in the audience will refrain from using cellular phones and/or pagers while the meeting is in session.
- d) Appropriate attire, including shoes and shirts are required in the Council Chambers and Committee Rooms at all times.
- e) Persons in the audience will not place their feet on the seats in front of them.
- f) No food, drink (other than bottled water with a cap), or chewing gum will be allowed in the Council Chambers and Committee Rooms, except as otherwise pre-approved by City staff.
- g) All persons entering the Council Chambers and Committee Rooms, including their bags, purses, briefcases and similar belongings, may be subject to search for weapons and other dangerous materials.

2. Signs, Objects or Symbolic Material:

- a) Objects and symbolic materials, such as signs or banners, will be allowed in the Council Chambers and Committee Rooms, with the following restrictions:
 - No objects will be larger than 2 feet by 3 feet.
 - No sticks, posts, poles or other such items will be attached to the signs or other symbolic materials.
 - The items cannot create a building maintenance problem or a fire or safety hazard.
- b) Persons with objects and symbolic materials such as signs must remain seated when displaying them and must not raise the items above shoulder level, obstruct the view or passage of other attendees, or otherwise disturb the business of the meeting.
- c) Objects that are deemed a threat to persons at the meeting or the facility infrastructure are not allowed. City staff is authorized to remove items and/or individuals from the Council Chambers and Committee Rooms if a threat exists or is perceived to exist. Prohibited items include, but are not limited to: firearms (including replicas and antiques), toy guns, explosive material, and ammunition; knives and other edged weapons; illegal drugs and drug paraphernalia; laser pointers, scissors, razors, scalpels, box cutting knives, and other cutting tools; letter openers, corkscrews, can openers with points, knitting needles, and hooks; hairspray, pepper spray, and aerosol containers; tools; glass containers; and large backpacks and suitcases that contain items unrelated to the meeting.

CITY OF SAN JOSÉ CODE OF CONDUCT FOR PUBLIC MEETINGS IN THE COUNCIL CHAMBERS AND COMMITTEE ROOMS (CONT'D)

3. Addressing the Council, Redevelopment Agency Board, Committee, Board or Commission:
- a) Persons wishing to speak on an agenda item or during open forum are requested to complete a speaker card and submit the card to the City Clerk or other administrative staff at the meeting.
 - b) Meeting attendees are usually given two (2) minutes to speak on any agenda item and/or during open forum; the time limit is in the discretion of the Chair of the meeting and may be limited when appropriate. Applicants and appellants in land use matters are usually given more time to speak.
 - c) Speakers should discuss topics related to City business on the agenda, unless they are speaking during open forum.
 - d) Speakers' comments should be addressed to the full body. Requests to engage the Mayor, Council Members, Board Members, Commissioners or Staff in conversation will not be honored. Abusive language is inappropriate.
 - e) Speakers will not bring to the podium any items other than a prepared written statement, writing materials, or objects that have been inspected by security staff.
 - f) If an individual wishes to submit written information, he or she may give it to the City Clerk or other administrative staff at the meeting.
 - g) Speakers and any other members of the public will not approach the dais at any time without prior consent from the Chair of the meeting.

Failure to comply with this Code of Conduct which will disturb, disrupt or impede the orderly conduct of the meeting may result in removal from the meeting and/or possible arrest.